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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF OREGON**
4 **PORTLAND DIVISION**
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6 TWILA M. TREJO-GUERRERO,

7 Plaintiff,

No. 03:12-CV-01895-HU

8 v.

9 CAROLYN W. COLVIN,
10 Commissioner of Social Security,

**ORDER ON MOTION FOR
ATTORNEY FEES**

11 Defendant.
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13
14 Richard F. McGinty
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16 Attorney for Plaintiff

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22 David Morado
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26 Attorneys for Defendant

HUBEL, Magistrate Judge:

The parties have filed a stipulated motion for an award of attorney's fees to the plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Dkt. #21. Under the statute:

A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney . . . representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the United States was not substantially justified.

24 U.S.C. § 2412(d)(B).

The current motion is wholly unsupported. No itemized statement from the plaintiff's attorney is attached, and no allegation or supporting argument is made that the Commissioner's position was not substantially justified.

The motion is **denied**, without prejudice to refiling in proper form, no later than **February 4, 2014**.

IT IS SO ORDERED.

Dated this 21st day of January, 2014.

/s/ Dennis J. Hubel

Dennis James Hubel
United States Magistrate Judge